IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 24TH SEPTEMBER 2007 / 2ND ASWINA 1929

WP(C).No. 19116 of 2007(A)

PETITIONER:

ANITHA KRISHNAN, W/O KRISHNAN,
EDAPPATTU HOUSE, KELAKAM P.O., KANNUR DISTRICT.

BY ADV. SRI.T.A.RAMADASAN

RESPONDENTS:
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1. BABY CHENNANAVELI, KELAKAM PO,
MANJALAMPURAM, KANNUR.

2. SALIM KUMAR, @ SUNIL KUMAR,
S/O RAMAKRISHNAN, MULAKKAKUDI, KELAKAM PO,
MANJALAMPURAM, KANNUR.

3. S.I. OF POLICE, KELAKAM POLICE STATION,
KANNUR DISTRICT.

4. THE SUPERINTENDENT OF POLICE,
KANNUR.

R3 & R4 BY G.P. SHRI P.A. SALIM
R1 & R2 BY ADV. SRI.K.V.PAVITHRAN
SRI.JAYANANDAN MADAYI PUTHIYAVEETTIL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

EXT.P1-TRUE COPY OF COMPLAINT FILED BY THE PETITIONER BEFORE THE THIRD RESPONDENT DATED 8.6.2007

EXT.P2-TRUE COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONERE BEFORE R4 DATED 12.6.2007

// TRUE COPY //

P.S. TO JUDGE

K. Balakrishnan Nair &
T.R. Ramachandran Nair, JJ.

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W.P.(C).NO.19116 of 2007-A

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Dated this the 24th day of September, 2007

JUDGMENT

Balakrishnan Nair J.

The petitioner is a native of Kelakam Panchayat. She started construction of the first floor of her house. The property surrounding her house belongs to her husband. There is a private road through the property which exclusively belongs to her husband. Respondents 1 and 2 want to widen that road and to convert it into a public road. They also threatened the petitioner and her husband for not allowing them to widen the road. So, she filed O.S. No.116/2007 before the Munsiff's Court, Kuthuparamba and obtained an order of interim injunction against them. While so, on 7.6.2007 it is submitted, the second respondent trespassed into the property and manhandled her husband. Though they filed complaints before the Sub Inspector of Police, Kelakam, no action was taken. Ext.P1 is the complaint filed before the Sub Inspector of Police. Thereafter, Ext.P2 complaint was filed before the Superintendent of Police also, but no action was taken by the officers of the police. Hence, this writ petition seeking protection to the life and property of the petitioner, her husband and children.

2. Learned Govt. Pleader upon instructions, submits that the Sub Inspector of Police has received complaints from the petitioner and also from the party respondents. Since the petitioner did not co-operate, further action on the complaint of the petitioner could not be taken.

3. The dispute involved in this case is a civil dispute for which the petitioner has to seek relief from the civil court. If the interim injunction is violated, the petitioner can approach the civil court to get appropriate orders. The police cannot be authorised to enforce interim orders of the civil court. In appropriate cases, the civil court can order the police to assist to enforce its order. If there is any threat to the life of the petitioner, she may inform the third respondent and in that event, the third respondent will look into the complaint and if the allegation is found genuine, he shall take appropriate consequential action.

The writ petition is disposed of as above.

(K. Balakrishnan Nair, Judge.)

(T.R. Ramachandran Nair, Judge.)

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